

**FEDERAL ELECTION COMMISSION
UNITED STATES OF AMERICA**

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COUNSEL

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**Claire Waites, Jeanne Fox, and the National Right to
Work Legal Defense and Education Foundation, Inc.,**

Complainants,

and

**Baldwin County Education Association, Alabama
Education Association, National Education Association,
and The NEA Fund for Children and Public
Education,**

Respondents.

MUR No.

6159

COMPLAINT

Facts:

1. Complainant Claire Waites is the Chairman of the Science Department at Daphne Middle School, which is part of the Baldwin County Public Schools in Bay Minette, Alabama. Ms. Waites is also a member, in good standing, of the Baldwin County Education Association (BCEA), the Alabama Education Association (AEA) and the National Education Association (NEA)
2. Complainant Dr. Jeanne Fox, is the Assistant Principal for the Daphne Middle School, which is part of the Baldwin County Public Schools in Bay Minette, Alabama. Dr. Fox is also a member, in good standing, of the BCEA, the AEA and the NEA.
3. Complainant National Right to Work Legal Defense and Education Foundation, Inc., provides free legal aid to employees who suffer an abuse of compulsory unionism. An abuse of

compulsory unionism includes the using the monopoly power of exclusive representation to mislead and coerce employees into compromising their political and religious autonomy.

4. Respondent BCEA is a labor organization as defined in 2 U.S.C. § 441b(b)(1). It is the exclusive monopoly bargaining representative for Ms. Waites and Dr. Fox.

5. Respondent AEA is a labor organization as defined in 2 U.S.C. § 441b(b)(1) and the state affiliate of the BCEA.

6. Respondent NEA is a labor organization as defined in 2 U.S.C. § 441b(b)(1) and the national affiliate of the BCEA and AEA.

7. The respondent The NEA Fund for Children and Public Education is a political committee as defined in 2 U.S.C. § 431(4) and the NEA is its connected organization as defined in 2 U.S.C. § 431(7).

8. The NEA Fund for Children and Public Education (PAC) made contributions to the Barack Obama Presidential campaign.

9. In 2008, Ms. Waites and Dr. Fox were elected as delegates to the July national convention of the NEA in Washington, D.C. The NEA refers to its convention as its Representative Assembly (RA).

10. Four years ago, in 2004, Ms. Waites was also a delegate to the NEA RA and believed that at that time she was coerced and deceived into supporting the NEA's PAC. She determined that would not happen again in 2008.

11. When Ms. Waites arrived at the July, 2008 NEA RA, she and Dr. Fox were talking by telephone with BCEA President Saadia Hunter. Ms. Hunter told Dr. Fox that she had made contributions to the NEA PAC in the names of Ms. Waites and Dr. Fox with the money Ms. Hunter had withheld from the travel money given to Ms. Waites and Dr. Fox by the BCEA.

12. Ms. Waites was furious about this, and told Ms. Hunter she had no right to make a NEA PAC contribution in her name.

13. Ms. Hunter told Ms. Waites that contributions to the NEA's PAC were not political contributions, they were instead contribution to a "children's fund." Ms. Waites disputed that characterization of the NEA's PAC.

14. Ms. Hunter told Ms. Waites that she would ask AEA lawyer Joseph Reed about this issue and would see if she could obtain a refund of Ms. Waites's money.

15. The next day, Dr. Fox and Ms. Waites confronted Peggy Mobley, President of the AEA, about the NEA PAC contributions being made without their permission. Ms. Waites demanded that her money be returned.

16. That same day Ms. Waites spoke with BCEA President Saadia Hunter about her involuntary contribution. Hunter now admitted that Waite's contribution would go to the Obama campaign. Ms. Hunter told Ms. Waites (presumably after checking with the AEA) that Ms. Waites could not get her money back.

17. Ms. Hunter suggested that Ms. Waites should refrain from insisting on the return of her money given to the NEA PAC because the BCEA had included the amount for Ms. Waites's NEA PAC contribution in the travel expense money given to Ms. Waites by the BCEA.

18. Notwithstanding Ms. Hunter's statement that the NEA PAC contribution originated in BCEA general treasury money, Ms. Waites still insisted upon a return of the money. Ms. Waites informed Ms. Hunter that if the funds were returned to her from the NEA PAC, she would return them to the BCEA. Ms. Waites never got the money back from the NEA PAC.

19. John Hudson, an employee of the AEA, admitted to Ms. Waites that the BCEA included the NEA PAC contribution in the expense reimbursement of every BCEA delegate to the NEA

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RA. Mr. Hudson admitted to Dr. Fox that the BCEA intended to have its members' dues money go to the NEA PAC.

20. The last day of the NEA RA, President Hunter gave Ms. Waites some money to make up for her involuntary contribution to the NEA PAC. When Ms. Waites found out that this was not a return of the money given to the NEA PAC, but was rather was money taken from another teacher, she returned the money to the other teacher.

21. Neither Ms. Waites nor Dr. Fox were ever informed by anyone from the BCEA, AEA or NEA that they had a right to refuse to make contributions to the NEA PAC.

22. Neither Ms. Waites nor Dr. Fox were informed by anyone from the BCEA, AEA or NEA, at the time of that they were told that their money had been involuntarily contributed to the NEA PAC, that contributions were voluntary. Neither Ms. Waites nor Dr. Fox were informed by BCEA, AEA or NEA representatives during the NEA RA of the political purposes of the NEA PAC at the time of their solicitation to contribute to the NEA PAC. Instead, Ms. Hunter, who was soliciting the money for the NEA PAC told Ms. Waites and Dr. Fox that contributions to the NEA's PAC were not political contributions, they were instead contribution to a "children's fund."

Law:

COUNT I

23. As recited above, the BCEA included in the expense reimbursements for its delegates to the NEA RA an amount to cover the delegates' contributions to the NEA PAC. Thus, the BCEA violated 2 U.S.C. § 441b(a) which prohibits labor unions from making a "contribution or expenditure in connection with any [federal] election." Additionally, 2 U.S.C. § 441b(b)(3)(A) specifically prohibits contributions to the PAC being made from "dues, fees, or

other moneys required as a condition of membership in a labor organization."

COUNT II

24. As recited above, Ms. Hunter, who was soliciting contributions for the NEA PAC, and was an agent for the BCEA and the NEA PAC, told Ms. Waites and Dr. Fox in violation of 2 U.S.C. § 441b(b)(3)(B), that contributions to the NEA's PAC were not political contributions, they were instead contributions to a "children's fund."

25. On information and belief, the AEA encouraged and expected Ms. Hunter to solicit contributions to the NEA PAC, in violation of 2 U.S.C. § 441b(b)(3)(B), without informing Ms. Hunter that the NEA PAC was a political committee and the contributions were for political purposes rather than contributions to a "children's fund."

COUNT III

26. As recited above, Ms. Hunter, an agent for the BCEA and the NEA PAC, solicited money in violation of 2 U.S.C. § 441b(b)(3)(B) for the NEA PAC without informing Ms. Waites or Dr. Fox of their right to refuse to contribute without any reprisal. On information and belief, this failure to inform was the result of instructions given by agents of the AEA who not only failed to provide this information, they instructed local affiliate officers that the contributions should be given in a specific amount and in two separate payments. When the President of the AEA, Ms. Mobley, learned that Ms. Waites had been coerced into giving money to the NEA PAC as a result of AEA instructions, she did nothing which corrected the matter or recovered Ms. Waites's money.


COUNT IV

27. As recited above, Ms. Hunter, an agent for the BCEA and the NEA PAC, made a contribution to the NEA PAC in the names of Ms. Waites and Dr. Fox without their prior

permission. This violates 2 U.S.C. § 441(f) which specifically prohibits campaign contributions made in the name of another person.

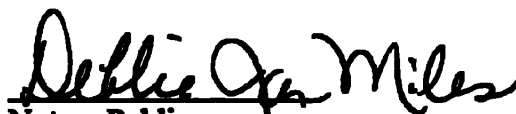
Remedy:

28. The complainants request that the Federal Election Commission investigate these allegations and take all available steps to enforce the law, prevent future violations of the law, and recover the money taken from Ms. Waites and all other NEA delegates who were the victims of these kinds of violations of their rights.


Claire Waites

Daphne, Alabama 36526

Before me, a Notary Public in and for the State of Alabama, personally appeared Claire Waites who swore under penalties of perjury that based on her personal knowledge, as reflected in the attached affidavit, or upon information and belief, that the contents of this complaint are true and subscribed to the same on the line provided for her signature.

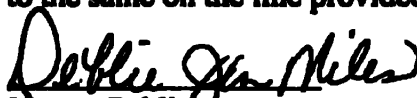

Notary Public

My Commission Expires On
02/08/2011

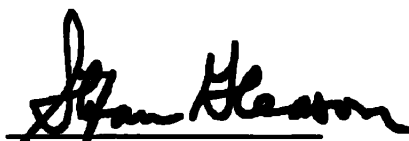

Jeanne Fox

Chickasaw, Alabama 36611

Before me, a Notary Public in and for the State of Alabama, personally appeared Dr. Jeanne Fox who swore under penalties of perjury that based on her personal knowledge, as reflected in the attached affidavit, or upon information and belief, that the contents of this complaint are true and subscribed to the same on the line provided for her signature.


Notary Public

My Commission Expires
02/08/2011



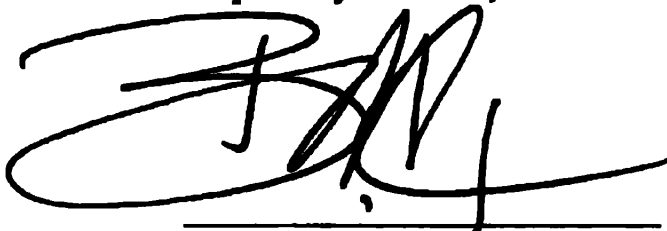
Stefan H. Gleason
Vice-President
National Right to Work Legal Defense and Education
Foundation, Inc.
8001 Braddock Road
Springfield, Virginia 22160

Before me, a Notary Public in and for the Commonwealth of Virginia, personally appeared Stefan Gleason who swore under penalties of perjury that based on his reading of the attached affidavits, or upon information and belief, that the contents of this complaint are true and subscribed to the same on the line provided for his signature.

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Notary Public Commission Expires
October 21, 2011

Respectfully submitted,



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*Attorneys for Claire Waites, Jeanne Fox and National Right
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Dated: 1/13/09